

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
	:	
v.	:	DATE FILED _____
	:	
AMBIORIX ANTONIO FRANCISCO,	:	Violations: 21 U.S.C. § 846
a/k/a "Francisco Aponte,"	:	(Conspiracy to distribute and possess
a/k/a "Jose Pabon," and	:	with intent to distribute 100 grams
JESENIA MARTINEZ,	:	or more of heroin – 1 count)
a/k/a "Theresa,"	:	21 U.S.C. § 841(a)(1)
	:	(Distribution of heroin – 6 counts)
	:	18 U.S.C. § 2
	:	(Aiding and abetting – 6 counts)
	:	8 U.S.C. §1326(a) and (b)(2)
	:	(Illegal re-entry following
	:	deportation and conviction of
	:	aggravated felony -- 1 count)
	:	Notice of Prior Conviction

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From at least as early as on or about June 12, 2003, to on or about August 14, 2003, at Philadelphia, in the Eastern District of Pennsylvania, the defendants,

AMBIORIX ANTONIO FRANCISCO, a/k/a "Francisco Aponte," a/k/a "Jose Pabon,"
and JESENIA MARTINEZ, a/k/a "Theresa,"

conspired and agreed with each other to knowingly and intentionally distribute and possess with intent to distribute 100 grams or more, that is, approximately 137 grams, of a mixture or substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) & (b)(1)(B)(i).

MANNER AND MEANS

2. It was part of the conspiracy that defendants AMBIBORIS ANTONIO FRANCISCO and JESANIA MARTINEZ distributed heroin to a person known to the grand jury in Philadelphia, Pennsylvania.

It was further part of the conspiracy that:

3. Defendant FRANCISCO negotiated and conducted the heroin deals with the person known to the grand jury.

4. Defendant MARTINEZ stored the heroin for the transactions, secreted on her person and in her vehicle, and at various times during the conspiracy, directed the person known to the grand jury where to meet for the heroin transaction.

5. At various times during the conspiracy, defendants FRANCISCO and MARTINEZ received cash proceeds from the heroin transactions.

OVERT ACTS

In furtherance of the conspiracy, and to accomplish its objects, defendants AMBIBORIS ANTONIO FRANCISCO and JESANIA MARTINEZ committed and caused to be committed the following overt acts in the Eastern District of Pennsylvania and elsewhere:

1. On or about June 12, 2003, FRANCISCO and MARTINEZ delivered a sample of heroin, containing approximately .20 grams, to a person known to the grand jury. FRANCISCO and MARTINEZ drove together in MARTINEZ's vehicle to the transaction. FRANCISCO directed the person to contact FRANCISCO for future heroin purchases and provided the person with a telephone number for that purpose.

2. On or about July 17, 2003, FRANCISCO and MARTINEZ delivered approximately 19.4 grams of heroin to a person known to the grand jury in exchange for approximately \$1700. FRANCISCO and MARTINEZ drove together in MARTINEZ's vehicle to the transaction, where MARTINEZ spoke to the heroin buyer accusing the person of being a "cop." FRANCISCO discussed conducting future heroin deals with the person, including a potential 100 gram heroin transaction.

3. On or about July 24, 2003, FRANCISCO and MARTINEZ delivered approximately 19.7 grams of heroin to a person known to the grand jury in exchange for approximately \$1700. FRANCISCO and MARTINEZ drove to the transaction in MARTINEZ's vehicle, and MARTINEZ secreted the heroin on her person. FRANCISCO discussed selling an additional 100 grams of heroin to the buyer.

4. On or about July 31, 2003, MARTINEZ directed a person known to the grand jury to meet FRANCISCO to conduct a heroin transaction. FRANCISCO then delivered to that person approximately 19.6 grams of heroin in exchange for approximately \$1700.

5. On or about August 7, 2003, FRANCISCO and MARTINEZ delivered approximately 38 grams of heroin to a person known to the grand jury in exchange for approximately \$3400. MARTINEZ secreted the heroin for the transaction on her person.

6. On or about August 13, 2003, FRANCISCO and MARTINEZ delivered approximately 40.2 grams of heroin to a person known to the grand jury in exchange for approximately \$3400. MARTINEZ secreted the heroin for the transaction on her person and accepted the purchase money for the deal.

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 12, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendants

AMBIORIX ANTONIO FRANCISCO, a/k/a “Francisco Aponte,” a/k/a “Jose Pabon,”
and JESENIA MARTINEZ, a/k/a “Theresa,”

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture or
substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C)
and Title 18, United States Code, Section 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 17, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendants

AMBIORIX ANTONIO FRANCISCO, a/k/a “Francisco Aponte,” a/k/a “Jose Pabon,”
and JESENIA MARTINEZ, a/k/a “Theresa,”

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture or
substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C)
and Title 18, United States Code, Section 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 24, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendants

AMBIORIX ANTONIO FRANCISCO, a/k/a “Francisco Aponte,” a/k/a “Jose Pabon,”
and JESENIA MARTINEZ, a/k/a “Theresa,”

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture or
substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C)
and Title 18, United States Code, Section 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 31, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendants

AMBIORIX ANTONIO FRANCISCO, a/k/a “Francisco Aponte,” a/k/a “Jose Pabon,”
and JESENIA MARTINEZ, a/k/a “Theresa,”

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture or
substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C)
and Title 18, United States Code, Section 2.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 7, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendants

AMBIORIX ANTONIO FRANCISCO, a/k/a “Francisco Aponte,” a/k/a “Jose Pabon,”
and JESENIA MARTINEZ, a/k/a “Theresa,”

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture or
substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and
841(b)(1)(C) and Title 18, United States Code, Section 2.

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 13, 2003, at Philadelphia, in the Eastern District of Pennsylvania,
defendants

AMBIORIX ANTONIO FRANCISCO, a/k/a “Francisco Aponte,” a/k/a “Jose Pabon,”
and JESENIA MARTINEZ, a/k/a “Theresa,”

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture or
substance containing a detectable amount of heroin, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C)
and Title 18, United States Code, Section 2.

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 13, 2003, at Philadelphia, in the Eastern District of Pennsylvania, defendant
AMBIORIX ANTONIO FRANCISCO, a/k/a “Francisco Aponte,” a/k/a “Jose Pabon,”
an alien, being a citizen of the Dominican Republic who had previously been deported from the
United States on or about December 3, 1997, was thereafter found in the United States, having
knowingly and unlawfully reentered the United States without first applying to the Attorney
General of the United States or his successor, the Secretary of Homeland Security (Title 6, United
States Code, Sections 202(3)-(4) and 557), for permission to reapply for admission, and without
receiving in response the express consent of the Attorney General or his successor to reapply for
admission.

In violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2).

NOTICE OF PRIOR CONVICTION

Defendant AMBIORIX ANTONIO FRANCISCO, a/k/a “Francisco Aponte,” a/k/a “Jose Pabon, committed the offenses charged in this Indictment after having been convicted of an aggravated felony and a felony offense under the Controlled Substances Act, that is, importation of heroin in violation of Title 21, United States Code, Sections 952(a) and 960(b)(3), in the United States District Court for the Eastern District of New York in United States v. Ambiorix Francisco, No. CR-95-270.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney